

WILKINSBURG BOROUGH COUNCIL MEETING
Legislative Session
August 1, 2012

CALL TO ORDER

Vice President McCarthy-Johnson called the meeting to order at approximately 7:02 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkinsburg, PA.

ROLL CALL

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, Ms. Moore, Ms. Goodman, Vice President McCarthy-Johnson, and Ms. Macklin. Marla P. Marcinko, Borough Manager and Mike Witherel, Borough Solicitor was also present. President Jason Cohn and Mayor John Thompson were absent. A quorum was established.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, a moment of silence was observed to remember victims of violent crime.

PUBLIC COMMENT

Al Gameous – 2309 McNary Blvd. – Spoke about his concern of the decline of the community and lack of educational opportunities. He questioned whether there is adequate leadership for the community and commented on insinuations of in-fighting between Council members. He commented on hearing that there were monies available for redevelopment for which the Borough had not applied. He commented on the need for a cooperative effort to realize redevelopment of residential and commercial areas. Ms. Evans introduced herself as Executive Director of WCDC and as a Borough Council Member and commented on the extensive planning studies and efforts which have been undertaken to that end over the years. She offered to meet to discuss the CDC's efforts with Mr. Jameson.

Leslie Moore – 1512 Elm St. – Commented on street cleaning on Elm Street and that the entire street is not being swept. Mr. Moore stated that the storm sewer is clogged at the end of Elm Street. Ms. Marcinko commented that the complaint was received and communicated to the Department of Public Works to ensure the entire street is swept as well as the reported clogged storm sewer. Ms. Marcinko asked Mr. Moore to call her if the entire street is not swept on the next scheduled street sweeping day.

Terri Supowitz – 310 Hay St. – She thanked Council for passing the legislation to ban gas well drilling in Wilkinsburg. Ms. Supowitz commented on the location selection process for the Orchard Forest Garden and permaculture garden on Rebecca Avenue. She stated that the sites selected were in well-maintained areas and suggested that areas in decline may have been better choices. Ms. Marcinko responded that the location

**Borough of Wilkinsburg
Council Legislative Meeting
August 1, 2012**

selection was not a decision of the Borough's and that the locations were selected as there is significant community involvement in those areas to ensure continued maintenance and upkeep. Ms. Evans concurred and commented on the need for responsible partners for these types of projects which was a requirement of the Borough's Community Art & Civic Design Commission. Property acquisition is always a challenge.

Billy Colton – 1361 Laketon Rd. – Expressed his interest in boxing and in supporting youth who are interested in the sport. Vice President McCarthy-Johnson suggested that he contact Mr. Castriota who owns the building on Swissvale that had been used for the Gym of Future Champs. Mr. Witherel explained that the building had been turned over to a non-profit organization dedicated to assisting children and training them for boxing. He commented that there are issues with the building and the non-profit status of the operating organization.

Albert Jameson 2309 McNary Blvd. - Commented on multiple burglaries in his neighborhood. He asked Council to consider a public notification system as it is difficult to reach Borough staff.

Ms. Moore spoke on behalf of Mr. Simmons who resides at 1633 Laketon Road who has health problems and has been cleaning the overgrowth of vegetation next door to his property. Ms. Moore reported that the back porch is caving in and there are mounds of garbage and overgrowth in the backyard at 1627 and 1629 Laketon Road.

AGENDA ITEMS

**1. Adopting Ordinance No. 2895 – Establishing a Handicap Parking Space
511 Holmes St.**

Moved: Ms. Evans

Second: Mr. Lefebvre

All voted in favor of the motion. Motion carried

2. Adopting Ordinance No. 2896 – Amending Public Art Review Process.

Moved: Ms. Evans

Second: Mr. Lefebvre

Ms. Macklin commented that she is not in favor of the CACDC having legislative authority. She is pleased about the inclusion of an appeal process in the amendment for aggrieved parties.

Ms. Evans shared information from the last CACDC meeting and its' review of the exterior design for a new business that is looking to locate in Wilkinsburg. Fifth Third Bank is seeking to acquire the property for a branch location. Proposed designs were reviewed at the last meeting and the results of the review were positive. She encouraged Council members to attend the CACDC meetings which are open to the public.

**Borough of Wilkinsburg
Council Legislative Meeting
August 1, 2012**

Ms. Marcinko clarified that the action currently before Council does not address the legislative authority of the CACDC. Ms. Marcinko stated her concern that failure to move this amendment forward at this time may adversely impact projects which are currently pending. Ms. Marcinko clarified that the amendment defines infrastructure and provides for a different notification process for infrastructure projects to allow the Borough to move forward within a reasonable time frame on projects such as bike racks, banners etc. Additionally, the amendment provides for an appeals process for aggrieved parties. The ordinance also amends the notification process so it is less onerous from an administrative standpoint.

Ms. Trice commented that she was not aware that Fifth Third Bank was considering locating in Wilkinsburg and commented that the process should begin with Council and/or the Planning Commission. Ms. Evans commented that the design review guidelines require the applicant to engage in community outreach and that the Commission has worked hard on creating by laws and an application process.

Ms. Marcinko advised that if Council does not support the legislative authority with which the Commission is empowered, the ordinance would need to be amended to make a change. She emphasized that the amendment currently before Council does not address the legislative authority of the Commission. Not voting in favor of the amendment will not impact the legislative authority of the Commission and may adversely impact projects from moving forward over the next month or two.

Moved: Ms. Evans

Second: Mr. Lefebvre

Yes: Ms. Moore, Ms. Goodman, Ms. McCarthy-Johnson, Ms. Macklin (voted in favor of the motion due to the inclusion of an appeal process) Mr. Lefebvre, Ms. Evans

No: Ms. Ervin, Ms. Trice

Motion carried 6:2

3. Authorizing the advertising of Ordinance No. 2897 – Handicap Parking Space 1140 South Ave.

Moved: Mr. Lefebvre

Second: Ms. Goodman

All voted in favor of the motion. Motion carried.

4. Approving Council meeting minutes of 7/11/12 and 7/18/12.

Moved: Ms. Evans

Second: Mr. Lefebvre

**Borough of Wilkinsburg
Council Legislative Meeting
August 1, 2012**

Ms. Macklin commented on the July 11, 2012 minutes and requested Mr. Witherel's full response about what was being done in other communities relative to curb to curb repairs for utility cuts. Ms. Marcinko will review the audio tape and make changes as appropriate.

Ms. Evans commented on a recent discussion at CONNECT meetings regarding best practices for maintenance of work performed in the public right-of-way.

Ms. Macklin commented that there are in excess of 25 street openings on South Ave. between Ardmore Boulevard and Swissvale Avenue and cited Princeton Boulevard and Franklin Avenue where WPJWA recently repaired a water line. She questioned whether the repairs being made meet the Borough's specifications.

Ms. Ervin inquired if the gas company had completed restoration work and Ms. Marcinko responded that they had not.

Ms. Trice questioned information contained in a recent Post Gazette article regarding the Penn Lincoln Hotel. She cited that Council had taken action on July 11th to apply for funding for the demolition of the structure and an article appeared in the paper on July 12. Ms. Marcinko clarified that the project discussed in the article related to funding approved by the Commonwealth Financing Authority for remediation at the site and not a Borough project. The Borough did not make application for the funding referred to by Senator Ferlo's office. Ms. Evans clarified that the funding referenced in the article was from the Commonwealth Financing Authority and the applicant was PHLF.

Yes: Ms. Goodman, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms. Evans,

Abstain: Ms. Moore (7/11/12 minutes), Ms. Ervin (7/18/12 minutes), Ms. Trice (7/11/12 minutes)

Motion carried 6:0 with 2 abstentions for the July 11, 2012 minutes.

Motion carried 7:0 with 1 abstention for the July 18, 2012 minutes.

**5. Approving Resolution No. 12-062 – Approving VPRP application 1112
Burns Street.**

Moved: Mr. Lefebvre

Second: Ms. Goodman

All voted in favor of the motion. Motion carried.

**6. Approving Resolution No. 12-063 – Approving VPRP Application 1404
Swissvale Avenue.**

**Borough of Wilkinsburg
Council Legislative Meeting
August 1, 2012**

Moved: Mr. Lefebvre

Second: Ms. Goodman

All voted in favor of the motion. Motion carried.

7. Approving Resolution No. 12-064 – Sponsoring Banner – Farmer’s Market.

Ms. Macklin questioned whether this installation would be in lieu of other advertising.

All voted in favor of the motion. Motion carried.

Ms. Macklin questioned the time limit for this banner and Ms. Marcinko responded that it would be for a period of three weeks.

OLD BUSINESS

Ms. Moore questioned the status on the request of Ms. Wilkins to review parking regulations on Hampton Ave. Ms. Marcinko advised that Chief Coleman recommended increased enforcement but no changes to the regulations.

Ms. Moore commented that neighborhoods remain segregated with significant blight and violence. Ms. Moore commented on grass clippings which have remained in street for over a month. She stated that there has been debris on the street near 1400 Swissvale Avenue for over a year.

Ms. Moore commented that the street sign at Robinson Boulevard and Montier Street is faded and not readable. She also commented on weeds growing out of storm sewers.

Ms. Moore commented on the County spraying program for the West Nile virus.

Ms. Ervin commented on her efforts with community clean ups. Ms. Ervin advised Council that she informs DPW of the locations of the debris which is collected during those clean ups.

Ms. Trice questioned an item on the bill list for a consultant’s fee for design review guidelines. Ms. Marcinko responded that the Borough received a grant several years ago for the development of a community art and design review process. Following the work which was performed for the legislation development and seating of the CACDC Commission, monies were left over which allowed for a consultant to be hired to assist the Commission in developing design review guidelines.

Mr. Lefebvre asked that Roy Clark, DPW Director, review the tape recording of the meeting to hear the comments made about the Department of Public Works.

**Borough of Wilkinsburg
Council Legislative Meeting
August 1, 2012**

Ms. Macklin stated that she had requested an executive session and was not aware that President Cohn was out of town and she did not hear back from Vice-President McCarthy-Johnson. Ms. Macklin stated that she was displeased that her request was not honored. Her concerns are with personnel issues and litigation.

Ms. Macklin presented a resolution relating to contributions from management employees to health care costs.

Ms. Marcinko clarified that this subject was raised in 2012 at the time of renewal of management contracts. Ms. Marcinko informed Council that a resolution is not required and that the matter can be taken up during the 2013 budget work sessions.

Ms. Macklin commented on the failure to hire part-time police officers which was included in the budget. Ms. Marcinko responded that the direction during the 2012 budget work sessions was for the Chief to provide a plan as to how part-time police officers would be utilized and that there was not a consensus of Council to conduct the hiring. Ms. Macklin requested a vote on the resolution to require health care contributions from management employees. Ms. Trice commented that there had been discussion on this issue in personnel committee meetings last year and no action was taken at that time as the employment agreements were being proposed for renewal for a one year period.

A motion was made by Ms. Macklin, second by Ms. Trice, to require a five percent contribution toward the premium for healthcare benefits from management employees.

Ms. Evans commented that she was not sure that a decision had ever been made on the contribution matter in the personnel committee meetings.

A motion was made by Ms. Evans, second by Mr. Lefebvre, to table the motion to require a five percent contribution toward the premium for healthcare benefits from management employees.

Yes: Ms. Evans, Ms. Moore, Ms. Goodman, Ms. McCarthy-Johnson, Mr. Lefebvre

No: Ms. Ervin, Ms. Trice, Ms. Macklin

Motion carried 5:3

Ms. Macklin presented a resolution to repair the Princeton Park Pillars. She read aloud the resolution.

**Borough of Wilkinsburg
Council Legislative Meeting
August 1, 2012**

Ms. Moore commented that a request had been received some time ago to repair the pillars on Remington which was never addressed and she recommended Council consider these repairs as well.

Mr. Lefebvre commented that these improvements can be considered through the capital planning process and under the capital improvement plan provided monies are available. Ms. Evans commented that there are a number of projects in progress and that the engineer had suggested that the Princeton Park pillars could be repaired by DPW. Ms. Evans emphasized the importance of adopting a capital plan policy and that this is currently being addressed through a peer consultant who is behind schedule. Ms. Macklin commented that the Princeton Park pillar repairs constitute a preventative effort which needs to be expedited. Ms. Moore believes the pillars should be fixed and that the repairs are too extensive for DPW. Ms. Goodman suggested a timeline for the repairs. Vice-President McCarthy-Johnson suggested mandating turn-around times. Ms. Marcinko suggested Council have a conversation with the Department of Public Works Director Roy Clark.

Ms. Ervin questioned if manpower will be increased in DPW and Ms. Marcinko responded that there were no plans to do so at this time.

Ms. Evans suggested asking the engineer for recommendations to repair both pillars prior to the next meeting of Council. She suggested that repairs can either be made by DPW or contracted out through the RFP process. Ms. Macklin agreed to withdraw the resolution.

Ms. Macklin advised that she had requested an executive session to go over outstanding issues as she does not believe it is fair to the Borough Manager to fail to address issues in a timely fashion which are brought to Council's attention by the Manager.

Ms. Macklin commented that she has consistently been raising the issue of hiring of part-time police officers for nearly two and one half years and no action has been taken. Ms. Macklin commented on the need for more officers. Ms. Moore stated that Chief Coleman does not support hiring of part-time officers. Council had agreed to utilize part time officers and Chief Coleman was to provide a plan as to how the officers would be utilized. Council discussed utilizing the civil service eligibility list in hiring part time officers. Mr. Witherel advised Council that part-time officers don't necessarily need to be hired through the civil service process. Mr. Witherel questioned whether there are any legal limitations within the civil service rules for the Borough relative to hiring part time police officers outside of the civil service process. He will look review this issue.

Ms. Evans stated that the hiring of part-time police officers is not a political issue and she defers to the Chief and Mayor to make that decision. Ms. Evans believes Council members are attempting to make this a Council issue. Ms. Macklin stated that she has spoken with the Chief and the Chief has indicated that she will proceed as directed by

**Borough of Wilkinsburg
Council Legislative Meeting
August 1, 2012**

Council. Ms. McCarthy-Johnson suggested inviting Chief Coleman to the Council meeting on September 5, 2012.

NEW BUSINESS

Ms. Trice inquired about obtaining more information on the LAMS Program. Ms. Macklin reviewed a copy of the permit application and noted that it had not been signed as being approved and there was no certificate of insurance. Ms. McCarthy-Johnson suggested that the form should be revised.

Ms. Trice commented that Pyramid is occupying the former Cornell-Abraxas building. A copy of the Zoning Hearing Board notice had been sent to Council by Mr. Gramz.

Ms. Trice questioned who is in charge when administrative staff is away. Ms. Marcinko advised that she can nearly always be reached via phone or email and Ms. Poindexter knows how to make contact if necessary.

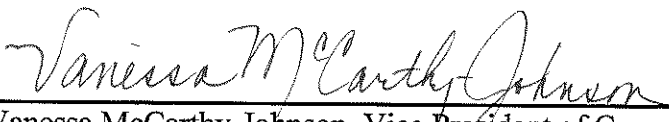
Ms. Trice questioned whether a decision had been made on the cleaning proposals. Ms. Marcinko advised that Council should discuss the matter prior to awarding a contract.

Ms. Trice informed Council of an officer whose father had passed away. She believes there should be some way of communicating this type of information to Council.

Ms. Trice advised Council that Mr. Gibner, a long time resident, passed away.

ADJOURNMENT

Being no further business, on motion by Ms. Ervin, second by Mr. Lefebvre, the meeting was adjourned at approximately 9:12 PM.



Vanessa McCarthy-Johnson, Vice President of Council